

The opinion in support of the decision being entered today is
not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CLINT H. O'CONNER, ALFRED H. HARTMANN,
and KEITH R. ABELL

Appeal 2007-1878
Application 09/955,683
Technology Center 2100

Decided: September 18, 2007

Before JAMES D. THOMAS, LEE E. BARRETT,
and JOSEPH L. DIXON, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 1 through 25. We have jurisdiction under
35 U.S.C. §§ 6(b) and 134(a).

We reverse.

As best representative of the disclosed and claimed invention,
independent claim 1 is reproduced below:

1. A computer system comprising:

a plurality of processing resources operable to process data;

a plurality of power supplies associated with the processing resources,
the power supplies operable to supply power to the processing resources;
and

a power management engine associated with the power supplies, the
power management engine operable to adjust the power supplies to optimize
power consumption.

The following reference is relied on by the Examiner:

Fung	US 6,859,882 B2	Feb. 22, 2005
		(Filed May 18, 2001)

Claims 1 through 25 stand rejected under 35 U.S.C. § 102(e) as being
anticipated by Fung.

Rather than repeat the positions of the Appellants and the Examiner,
reference is made to the principal and Reply Briefs for Appellants' positions,
and to the Answer for the Examiner's positions.

OPINION

Based on the nature of the prosecution history in this application,
Appellants' best arguments urging patentability are found in the Reply Brief.
Since we are generally in agreement with them, we will not belabor our
consideration of them.

As in the principal Brief, Appellants major argument urging
patentability of independent claim 1 is the feature at the end of the claim of a

power management engine associated with the power supplies, such that the power management engine is operable “to adjust the power supplies to optimize power consumption.” Although we have some strong measure of agreement with the Examiner’s basic position in the Answer that the power conservation teachings of Fung directly relate to optimizing power consumption, we do not agree with the Examiner’s urging at pages 3-5 of the Answer that the reference teaches any adjustment of the power supplies themselves as best traversed at page 2 of the Reply Brief. Beginning at figure 2 of Fung, dual power supplies 56 are shown for each integrated server system unit in that figure. Dual redundant power supplies are also illustrated in figure 6 showing two interconnected integrated server system units A and B. Figure 9 shows two server modules 402, each of which contains a CPU voltage generator control unit 416 whereas figure 10 shows a comparable voltage regulator 324 for each ISSU server module 302. A corresponding voltage regulator is shown at the bottom right of the figure apparently as an unlabeled element, but characterized in the discussion bridging column 26 and 27 as voltage regulators 241.

In agreeing with Appellants' views that Fung does not adjust power supplies, any adjustments appear to be made according to the teachings and showing of these figures relating to controlling the voltage regulators and their respective power distribution to their corresponding CPUs rather than to adjusting the power supplies themselves. Moreover, to the extent the Examiner appears to rely upon corresponding teachings at columns 28 through 30 of Fung as relating to the ability of the power management module to control the power supplies, there is no indication in Fung, as argued in the paragraph bridging pages 2 and 3 of the Reply Brief, that the power supplies themselves are adjusted in accordance with the requirements at the end of independent claim 1 on appeal. Therefore, we do not sustain the rejection of independent claim 1 and its respective dependent claims 2 through 11.

Correspondingly, we also do not sustain the rejection of independent claim 12 which requires adjusting the number of operating power supplies to satisfy a change in processing resources, which in turn requires a change in demand. Like Appellants' discussion in the Reply Brief at pages 3 and 4, we do not agree with the Examiner's urging at page 5 of the Answer that the noted teachings at the middle of column 6 of Fung teach the adjustment of a

number of operating power supplies as required by claim 12. The servers and the respective CPUs are controlled or optimized, yet the number of power supplies is not adjusted. Since we did not sustain the rejection of independent claim 12, we also reverse the rejection of its dependent claims 13 through 21.

Lastly, in considering the subject matter of independent claim 22 on appeal, because we do not sustain the rejection of independent claim 12, we agree with Appellants' urging that the requirement of claim 22 of adjusting the number of power supplies to satisfy a predicted change in processing resources is not met. Although there is some teaching value at column 32, lines 28 through 32 and the bottom of column 67 that is noted by the Examiner relating to predicted future loading capability, the feature of adjusting the number of power supplies as urged at pages 4 and 5 of the Reply Brief is not taught in Fung. Because claim 22 requires scaling the processing resources (where Specification page 6 indicates that scaling indicates a change in the number of processing resources), the claim necessarily requires a corresponding scaling or adjusting the number of power supplies to met such a processing resource change. Since, we do not

sustain the rejection of independent claim 22, the rejection of its dependent claims 23 through 25 are also reversed.

In summary, we have reversed the Examiner's rejection of claims 1 through 25 under 35 U.S.C. § 102.

REVERSED

pgc

Adam L. Stroud
Baker Botts L.L.P.
One Shell Plaza
910 Louisiana
Houston, TX 77002-4995